

CIVIL ACTION

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FILED

HARRISBURG, PA

SEP 11 2002

ANDY E. D'ANDREA, CLERK  
per STKIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Nancy Hall, individually and as the Representative and Administratrix of the Estate of Tommy Hall, deceased, her husband, Plaintiff	:	CIVIL ACTION - LAW
v.	:	1:01-CV-1265
Cuna Mutual Group, Cuna Mutual Insurance Society,	:	
Defendants	:	(Judge Christopher C. Conner)

**DEFENDANTS' MOTION IN LIMINE**  
**REGARDING PLAINTIFF'S PROPOSED EXPERT TESTIMONY**

For the reasons expressed in the Brief accompanying this Motion in Limine, Defendants request that the Court exclude the proposed testimony of Plaintiff's experts, Richard A. Schwartz and Michelle Doherty, due to the fact that (1) their expert reports are laced with conclusions of law and credibility judgments and (2) their expert reports are based on a flawed understanding of the concept of "post-claim underwriting." If necessary, Defendants request that the Court schedule a Daubert hearing to hear testimony regarding the exclusion of the testimony. See Fed. R. Evid. 104 & 702.

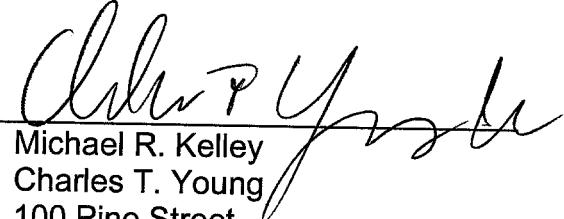
The conclusions of Plaintiff's experts are premised on incorrect methodology, and Plaintiff's experts espouse a definition of post-claim underwriting which is not reliable,

proper, or generally accepted. The proposed testimony of Plaintiff's experts should be excluded from evidence.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



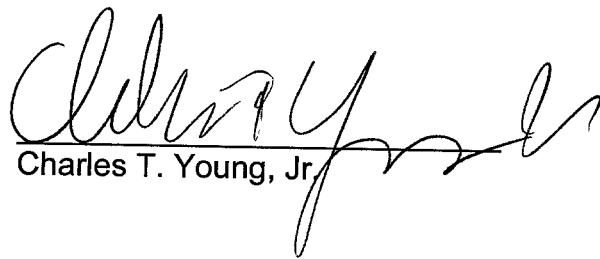
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Attorneys for Defendants

Dated: September 11, 2002

**CERTIFICATE OF NONCONCURRENCE**

I hereby certify that on September 11, 2002, I contacted the office of Plaintiff's counsel regarding this Motion in Limine, and Plaintiff's counsel does not concur in the Motion.



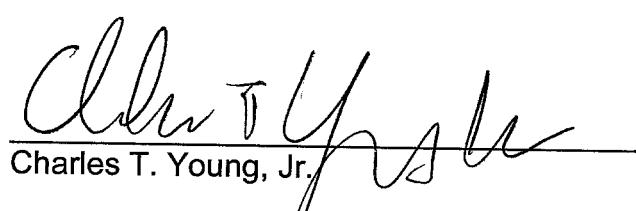
Charles T. Young, Jr.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date the foregoing document was served by U.S. first-class mail, postage prepaid, upon the following:

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Charles T. Young, Jr.

Attorney for Defendants

Dated: September 11, 2002